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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/429,028	10/29/1999	CLAIRE BESSET-BATHIAS	Q56456	5444

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EXAMINER

SHAH, CHIRAG G

ART UNIT

PAPER NUMBER

2664

DATE MAILED: 07/30/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/429,028

Applicant(s)

BESSET-BATHIAS, CLAIRE

Examiner

Chirag G Shah

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10/29/99.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-13 is/are rejected.
- 7) ☒ Claim(s) 8-10 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1, 7, and 11 rejected under 35 U.S.C. 102(b) as being anticipated by Petersen (U.S. Patent No. 5,802,051).

Referring to claim 1 and 11, Peterson discloses a method of improving the utilization of available bandwidth when ATM is used in conjunction with a low bit rate data application. Peterson teaches in columns 3-6 that the present invention simultaneously multiplexes more than one user data packet on a single minicell connection as a function of transmission priority by employing a predefined transmission priority assignment schedule and by providing a modified user data packet segmentation process. Here it is understood that scheduling of transmission times is done to keep ATM cell spacing as constant as possible. It is also understood that when no ATM cell is sent where there is no data available from any low bit rate connection, a scheduling step is able to transmit based on the next available low bit connection as claim 7.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-6 rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen (U.S. Patent No. 5,802,051) in view of Depelteau (U.S. Patent No. 6,404,767).

Referring to claim 2 and 6, Peterson teaches of segmenting, multiplexing and transporting user data packets in a telecommunication system that employs ATM. Peterson fails to disclose that ATM cell spacing is kept as close as possible to a cell rate negotiated and renegotiated for the corresponding ATM connection. Depelteau teaches of systems and methods for implementing ABR flow control in ATM switches. Depelteau discloses in column 2, that each cell contains an explicit rate parameter which may be adjusted as the cells pass through the ATM switches in the path in either the forward or backward direction and that explicit rate contained in the cells when it returns to the source is the maximum rate at which the source can send cells and it may be reduced as low as the minimum cell rate guaranteed to the source during connection establishment. Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petersen's invention to include what Depelteau teaches in order to cell rate to have sufficient rates to establish a connection.

Referring to claims 3-5, Petersen teaches that the user data packet segments are assembled into segment minicells and multiplexed into the ATM cell stream. Petersen

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fails to teach that the cell rate is a service category type of PCR, CBR or DBR and BCR and ABR type. Depelteau discloses in columns 6-8 that cells are generated on a per ABR connection basis and that each port has a fixed output capacity. At any instant in time, portions of this capacity must be allocated to various traffic classes including VBR, CBR and ABR. Each virtual connection of any type including ABR is always guaranteed. For each port, high priority traffic such as VBR and CBR is serviced first. Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Petersen's invention to include the teaching of including the capacity to allocate service type for various traffic scenarios as taught by Depelteau to provide a better more effective utilization of bandwidth.

5. Claims 12 and 13 rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen in view of Depelteau as applied to claims 2-6 above, and further in view of Harth (U.S. Patent No. 6,331,981).

Referring to claims 12 and 13, Petersen in view of Depelteau fails to teach of a base station for a mobile radio communication network comprising a device for multiplexing low bit rate traffic from a plurality of sources into a same ATM connection for transmission to a base station controller and base station respectively. Harth teaches of a method and network component for switching low bit rate connections between input modules and output modules in a communication network. Harth discloses in figure 1 and respective portions of the specification that network components such as base station controller or a radio network controller as part of the GSM mobile radio network along with ATM switching state are connected via multiplexer AXM and are able to

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multiplexing of low bit rate traffic for transmission to a base station controller.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify Petersen in view of Depelteau's invention to include network components such as base station controller as taught by Harth to allow economical use of the ATM bandwidth to simultaneously support TDM traffic with a low bit rate.

***Allowable Subject Matter***

6. Claims 8-10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**Or faxed to:**

(703)305-3988, (for formal communications intended for entry)

**Or:**

(703)305-3988 (for informal or draft communications, please label  
"Proposed" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag G Shah whose telephone number is 703-305-5639.

The examiner can normally be reached on M-F 7:30 to 4.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 301-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

cgs  
July 26, 2002

  
Ajit Patel  
Primary Examiner